



ORIGINAL  
FILE

# West Irondequoit Central School District

IRONDEQUOIT HIGH SCHOOL  
260 COOPER ROAD  
ROCHESTER, NEW YORK 14617-3093  
Telephone: (716) 266-7351

RECEIVED

SEP 1 1992

MAIL BRANCH

August 31, 1992

RECEIVED

SEP - 1 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street N.W.  
Washington, DC 20554

Dear Ms. Searcy:

On behalf of the West Irondequoit School District, we hereby submit our opposition to MM Docket 92-142, the proposed amendment of the FM Table Allotments for Channel 231A at Brighton, NY. Our comments are contained in the following Engineering Statement prepared by William J. Sitzman, Jr., engineering consultant for our district's licensed non-commercial educational broadcast station, WIRQ, Rochester, NY.

Sincerely,

Stewart Agor, Principal  
Irondequoit High School

No. of Copies rec'd 0+5  
List A B C D E

State of New York  
County of Monroe.

MARYELLEN GOVERTS  
Notary Public in the State of New York  
Monroe County, NY No. 4875789  
Commission expires 12/31/92

I do hereby swear that Mary Ellen Goverts  
Stewart Agor, Principal, came before me this 31st day of August, 1992  
To me known to be said person.  
"West Irondequoit Schools Are Community Schools"

CERTIFICATE OF SERVICE

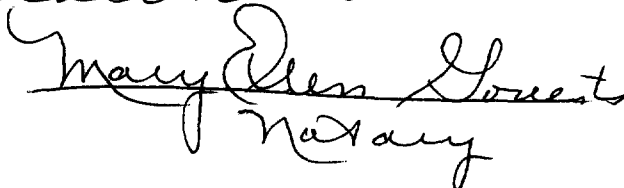
I, Stewart Agor, Principal of Irondequoit High School, hereby certify that I have sent, this 31st day of August, 1992, by first-class, postage-prepaid U.S. Mail, a copy of the foregoing OPPOSITION OF THE WEST IRONDEQUOIT SCHOOL DISTRICT TO THE FEDERAL COMMUNICATION COMMISSION'S NOTICE OF PROPOSED RULE MAKING (MM DOCKET 92-142) AT BRIGHTON, NY to the following:

Craig L. Fox, President  
Renard Communications Corp.  
4853 Manor Hill Drive  
Syracuse, New York 13215-1336

  
Stewart Agor

State of New York  
County of Monroe

I do hereby swear that Stewart Agor,  
Principal, came before me this  
31st day of August, 1992 To me  
known to be said person.

  
Notary

MARYELLEN GOVERTS  
Notary Public in the State of New York  
Monroe County, NY No. 4975789  
Commission expires 12/26/92



INDEPENDENT BROADCAST CONSULTANTS, INC.

110 COUNTY RD. 146,  
TRUMANSBURG, N.Y. 14886-9721  
(607) 273-2970

ENGINEERING STATEMENT

In Support of the:  
OPPOSITION OF THE  
WEST IRONDEQUOIT CENTRAL SCHOOL DISTRICT

To:  
MM DOCKET NO. 92-142  
Proposed New FM Allotment  
Brighton, NY

August 1992

Village of Trumansburg)

Tompkins County ) SS:

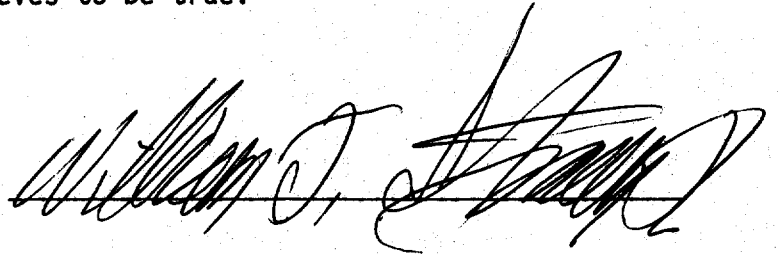
State of New York )

William J. Sitzman, Jr., being duly sworn upon his oath, deposes and states that:

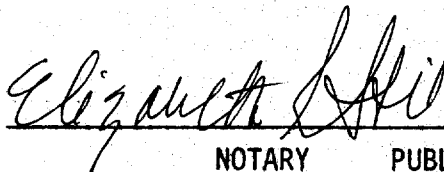
He is President of and a consultant with the firm Independent Broadcast Consultants, Inc., with offices at 110 County Rd. 146, RFD #1, Trumansburg, New York 14886.

His qualifications are a matter record with the Federal Communications Commission, having filled numerous technical reports with them in the past which were accepted for filing and subsequently were granted construction permits.

The facts contained in this report subscribed by him are true of his own personal knowledge, except those stated on information and belief, and those facts he verily believes to be true.



Subscribed and sworn to before me this 31st day of August, 1992



NOTARY PUBLIC

**ELIZABETH R. STILES**  
Notary Public, State of New York  
No. 4883130  
Qualified in Seneca County  
Commission Expires January 20, 1993

WEST IRONDEQUOIT CENTRAL SCHOOL DISTRICT

Radio Station WIRQ  
Rochester, NY

OPPOSITION TO MM DOCKET NO. 92-142

Ch. 231A  
Brighton, NY

ENGINEERING STATEMENT

This report has been prepared on behalf of the West Irondequoit Central School District, licensee of non-commercial educational broadcast station WIRQ, Rochester, NY, which operates on Channel 232D (94.3 MHz.) with 18.8 watts (0.0188 kW.) at 34 meters above average terrain. By this filing, the licensee formally objects to the Notice of Proposed Rule Making advanced by the Commission in MM Docket No. 92-142 to amend the FM Table of Allotments to establish a new commercial FM broadcast station on Channel 231A (94.1 MHz.) to serve Brighton, NY. According to the Commission's notice in MM Docket 92-142, this proposed rule making is in response to the petition filed by Renard Communications Corp, Syracuse, NY. Based on the following analysis, the West Irondequoit Central School District ("West Irondequoit") believes this proposal and the petition which prompted it run contrary to the public interest and to the Commission's normal standards for engineering acceptability. Accordingly, West Irondequoit recommends the Commission's rejection of this proposed FM allotment for Brighton, NY.

COMMENTER'S STANDING IN THIS MATTER:

This commenter, the West Irondequoit Central School District, WIRQ's licensee, possesses legal standing to offer its opposition by means of the fact that WIRQ, Rochester, NY, is licensed to Channel 232D, just one channel removed from that of this proposed rule making. As a Class D secondary service, WIRQ is permitted to continue broadcasting on Channel 232D only so long as it would contribute no prohibited interference within the protected contour of any primary service on its own channel or those on first, second, or third-adjacent FM channels. In its petition for rule making dated May 26, 1992, Renard Communications Corp. ("Renard") supplies an FM Spacing study dated April 11, 1992, which lists WIRQ's construction permit (BPED-900615MJ) as being located only 5.545 kilometers from Renard's proposed Ch. 231A reference point for the proposed Brighton allotment. Under § 73.509 of the Commission's rules, WIRQ on its first-adjacent channel would be prohibited from radiating a signal whose 54dBu (0.5 mv/m) FCC F(50,10) interfering contour would cross the 60dBu (1 mv/m) protected contour of the proposed Ch. 231A Brighton station. Since the contour class distance of a Class A (6 kW/100m AAT) FM station is 28 kilometers, it becomes obvious that WIRQ's contours would cross the Ch. 231A protected contour. Indeed, its transmitter site would be located

within that protected contour. As a result, were the Commission to allot Ch. 231A to Brighton, and hence accept applications and designate a permittee for that channel, WIRQ would be ordered to seek an alternate FM frequency for its non-commercial operation or else cease broadcasting. Clearly, WIRQ's licensee possesses an interest in this proceeding's outcome.

In June 1990, West Irondequoit, at considerable expense, prepared and submitted construction permit application BPED-900615MJ for WIRQ's current authorization on Channel 232D. Its filing came in response to the January 19, 1990 letter from Mr. Dennis Williams, Chief of the FM Branch, ordering WIRQ to vacate its previous channel, Ch. 227D (93.3 MHz.) to avoid contributing interference to a new commercial FM Channel authorized to Avon, NY (Ch. 227A). In Mr. Williams' letter, the Commission suggested three alternate frequencies for WIRQ, 231 (94.1 MHz.), 232 (94.3 MHz.), and 284 (104.7 MHz.) The licensee chose Ch. 232D based on the evaluation of its lower level of received interference. Under MM Docket No. 92-142, both WIRQ's present channel, 232D, and Channel 231D, would be precluded from use. It is not immediately known whether the third channel, Ch. 284D, might prove available. However, that frequency has been observed as producing heavy interference in the Rochester-Irondequoit area due to the almost line-of-sight path over low-lying terrain between Rochester and the site of WKFM (Ch. 284B), Fulton, NY. What's more, Channel 284 stands 10.6 kHz. removed from the proposed Ch. 231 allocation at Brighton, thus imposing potential I.F.-related signal problems were WIRQ to migrate to Ch. 284D.

This office's engineering staff two years ago felt confident in recommending Ch. 232D for WIRQ's future operation because allocation constraints on co-channel or adjacent channel stations in the Rochester area would preclude the allotment of any fully-spaced commercial FM station on either Channel 231 or 232 in the Rochester/Irondequoit area. It was believed once WIRQ migrated to Channel 232D, its continued Class D secondary operation would remain secure for the indefinite future. Now to the licensee's surprise, a drastically short-spaced commercial FM allotment for Brighton, NY is proposed by MM Docket 92-142. In view of this development, WIRQ's continued existence is placed in doubt. The extreme congestion of the commercial and non-commercial FM spectrum in and around the Rochester area has consumed most every FM channel. And existing licensees, sensing the impact of greater electronic congestion in the Rochester metropolitan area, have begun seeking permission for FM translators, facilities which under the Commission's new translator rules, hold equal standing with Class D stations. In the licensee's opinion, there remains the strong possibility that were the Commission to grant the Ch. 231A allotment at Brighton, WIRQ's valuable educational service to its student population would be forced to cease operation.

CH. 231A AT BRIGHTON IMPOSES DRASTIC SHORT-SPACING:

As proposed in the rule making petition by Renard Communications Corp, the proposed allotment of Channel 231A to Brighton, NY would create a short-spacing to two licensed Canadian FM facilities. The proposal would short-space co-channel CBL-FM, Toronto, ON (Ch. 231C1) by 101 kilometers, and short-space first-adjacent station CBBB-FM, Belleville, ON (Ch. 232B) by 18.0 kilometers. In addition, the proposed allotment would lie exceedingly close to the domestic Ch. 230A spacing limit to licensed station WACZ, Dansville, NY, making site relocation to reduce the degree of short-spacing to Canadian facilities difficult. Indeed, the Renard petition already proposes a site restriction to the east of Brighton, with coordinates different from those specified in the aforementioned spacing study to afford (supposedly) proper contour protection to both CBL-FM's protected contour over land area and adequate site-to-site separation with WACZ. In West Irondequoit's opinion, the degree of short-spacing imposed upon CBL-FM, even when lake waters separate the two stations, runs contrary to the standards of sound allocation practice and lead to ill-advised "shoehorned" FM allocations which spacing rules established by Commission action and international negotiation were intended to prevent.

RENARD'S PROPOSAL MAY CAUSE INTERFERENCE TO CBL-FM :

In neither Renard Communications' petition for rule making nor in the Commission's Notice in MM Docket 92-142 has adequate evidence been presented to demonstrate that the proposed allotment of Channel 231A to Brighton, NY will prevent the creation of prohibited interference from the eventual new Brighton station over the protected 54dBu contour of CBL-FM, Toronto. In its petition, Renard presents an, "Allocation Map Showing Canadian Protection." This map locates CBL-FM's site and a "Brighton" and "Allotment" set of reference points, both of which possess coordinates different from that of the petition's spacing study. Based upon use of the "Allotment Reference Point" and assumption of uniform terrain for both CBL-FM and the proposed Ch. 231A at Brighton, the map appears to demonstrate that while substantial interference with CBL-FM's protected 54dBu / 0.5 mV/m contour would occur over the waters of Lake Ontario, no such interference would occur over protected Canadian land area. Renard's analysis ignores the reality of topography. Our office's research on behalf of other project applicants has revealed that terrain averages tend to favor FM signal propagation in the mutual directions toward Toronto and Rochester. Neither Renard nor the Commission has taken any account of this fact in their analysis. And while the assumption of uniform terrain may prove valuable in instances where protected and interfering contours are broadly separated, use of more realistic terrain estimates would appear essential when

contours would lie as close as Renard proposes. Using its assumption of uniform terrain, Renard's proposal would produce, according to its map, a contour clearance of only about four kilometers. In view of the drastic short-spacing this proposal would impose and the terrain assumptions used to estimate the contour clearances, West Irondequoit maintains the present showing is inadequate and endangers CBL-FM to receive prohibited interference from any eventual Ch. 231A Brighton station, once such a facility is authorized and built.

CH. 231A AT BRIGHTON WOULD RECEIVE INTERFERENCE:

Neither in Renard's petition nor in the Commission's Notice of Proposed Rule Making in MM Docket 92-142 has the issue of received interference been addressed as it would impact the protected contours of a Ch. 231A operation at Brighton. West Irondequoit asserts that due to the Ch. 231A allocation's proximity of CBL-FM, Toronto, received interference over domestic land area, including over the site-restricted allocation's community of license, would be substantial and severe, rendering the Brighton station a second-rate facility at best and one with a far less usable contour distance than a normally-authorized 6 kW/100m AAT facility.

Based on the Commission's proposed Brighton Ch. 231A reference coordinates of N 43-08-55, W 77-27-04 and the engineering data in Renard's petition, the Ch. 231A Brighton allotment would be 166.2 kilometers removed from CBL-FM's site. On Ch. 231C1, CBL-FM is authorized 38 kilowatts effective radiated power at 421 meters above average terrain. Under the Commission's § 73.215 contour protection rules, domestic Class A FM stations are protected to their 60dBu contours based on FCC F(50,50) curves. These same stations are prohibited from receiving co-channel interference (at least, from other domestic stations) greater than 40dBu based on FCC F(50,10) curves. Assuming uniform terrain and use of the Commission's reference coordinates, the proposed Ch. 231A Brighton station's 60dBu contour would extend approximately 28 kilometers, placing the contour's edge as little as 138.2 km. from CBL-FM (though a portion of that contour edge may occur over Lake Ontario.) Using F(50,10) curves and CBL-FM's notified facilities, one computes an average (uniform terrain) CBL-FM 40dBu interfering contour of approximately 166 kilometers (103 miles.) Thus, on this basis, even with uniform terrain (a "best case" situation) assumed, calculated CBL-FM interference would occur nearly to the Brighton station's site and over much of the path between that site and the contour's terminus (or the lake Ontario shoreline.)

In its final ruling to MM Docket 87-121 (the so-called "contour protection rules"), the Commission took special precaution to preserve protected contours from interference which might degrade the quality of otherwise-predicted reception.

In that proceeding, the Commission noted that comments were virtually unanimous that licensees should not be allowed to accept any interference beyond that already permitted, and that, "Accordingly, the new rules do not permit acceptance of additional interference." In the case of the Brighton rulemaking, a new allotment would be created, short-spaced to two Canadian facilities, and destined by its short-spaced situation to accept interference beyond that customarily allowed. As stated previously, WIRQ chose Ch. 232D over Ch. 231D due to the latter channel's higher level of received interference. Though of somewhat stronger power, any new Ch. 231A station at Brighton would be challenged to overcome that same interference that WIRQ's licensee found unacceptable. Accordingly, this commenter, West Irondequoit, maintains good cause exists for rejecting this proposed rule making.

PUBLIC INTEREST RATIONALE FOR NEW STATION UNCONVINCING:

In its rule making petition, Renard Communications Corp devotes just a single paragraph to the public interest needs for its proposed Ch. 231A station at Brighton:

"Brighton is a community of 34,455 persons (1990 Census) and is located just south of Rochester, NY, in Monroe County. This proposal would establish a first aural transmission service for Brighton."

These statements are accurate, but fall short of supporting the need for a new commercial FM service licensed to the community. Brighton township is a residential and commercial suburb of Rochester. Its residential neighborhoods immediately adjoin and are largely indistinguishable from those within the city of Rochester. While Brighton possesses its own township government, the community lacks the incorporated status usually accorded those granted FM allotment status. In most respects, it is a bedroom community. Aside from a census reference, the Renard petition makes no convincing pleading why this community deserves first FM service over others of similar stature. The petition also ignores the community's proximity to the overwhelming number of radio choices from those stations licensed to Rochester. Among commercial FM stations alone, Rochester already has seven licensed facilities (channels 223B, 243B, 250B, 255B, 263B, 267B and 280A), plus an eighth (290A) authorized by Docket 80-90 and still undergoing application review. Additionally, elsewhere within Monroe County, new Class A FM stations have been allocated, and in some cases, awarded and built, for the suburbs of Irondequoit (Ch. 294A), Webster (Ch. 274A), Honeoye Falls (Ch. 297A), and Brockport (Ch. 288A). Six AM stations, five of them commercial, and one of those a 50 kW Class IA, are also licensed to Rochester, with several utilizing antenna sites in Brighton township. Clearly, the overall metropolitan area is not starved for commercial

radio service. Adding yet another commercial FM into the crowded radio marketplace might endanger the commercial viability of existing licensees, provide questionable new service to a township of dubious licensing status, and perhaps deny potential future FM service to other, more deserving, municipalities to which Channel 231A or an adjacent channel might better be allocated.

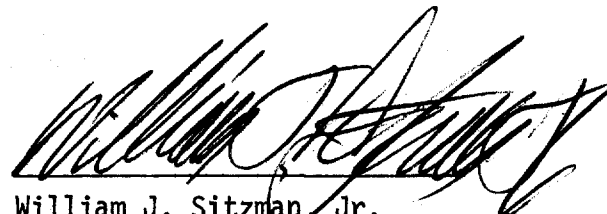
SUMMARY:

In conclusion, on behalf of West Irondequoit Central School District, the following points may be made as they pertain to the proposed allotment of Ch. 231A to Brighton, NY outlined in MM Docket 92-142:

1. The proposed allotment of Ch. 231A to Brighton would force the reassignment of WIRQ, Rochester, NY to a new and different channel, imposing direct and substantial hardship. And due to the limited available FM spectrum in the Rochester area, the proposed allotment might lead to the total cessation of WIRQ's educational service.
2. The proposed allotment of Ch. 231A to Brighton would create a serious short-spacing with two licensed Canadian broadcasting stations, in contravention with the spirit of the Rules and the sound principles of FM allocation practice.
3. The proposed allotment of Ch. 231A to Brighton would impose the potential for prohibited overlap within the protected contour of co-channel CBL-FM, Toronto, ON.
4. The proposed allotment of Ch. 231A to Brighton would subject the proposed new allocation to substantial received interference within its normally-protected contour. This interference would be raised to a level not customarily allowed by the Commission's rules.
5. The proposal advanced by MM Docket 92-142 would allot a new commercial FM station to an unincorporated residential suburb of a large city well-served by commercial (and non-commercial) FM and AM broadcast outlets.

For the abovementioned reasons, and to further its own educational mission and the public interest at large, the West Irondequoit Central School District respectfully requests the Commission dismiss its proposed rule making for Channel 231A at Brighton New York and reject the rule making petition of Renard Communications Corp. accordingly.

August 31, 1992



William J. Sitzman, Jr.  
Consulting Engineer